IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Civil Revision No. 5706 of 2007
Date of Decision: December 19,2007

Paramjit Kaur .....*Petitioner*

Versus

State of Punjab & others .....*Respondents*

Coram: *Hon'ble Mr.Justice Rajesh Bindal*

Present: Mr.K.S.Rekhi, Advocate for the petitioner.
Mr. Ram Lal Gupta, Addl.A.G. Punjab for the respondents

Rajesh Bindal, J.

The challenge in the present petition is to the order passed by the learned Civil Judge, Junior Division Amritsar whereby the application filed by the plaintiff-petitioner for amendment of the plaint was dismissed.

The suit was filed by the plaintiff/petitioner for declaration to the effect that she is entitled to get ex-gratia grant, service and all other financial benefits which are payable to the plaintiff on account of murder of her husband-Waryam Singh by CRPF on 29.2.1984. The amendment in the plaint is sought to the effect that even the Senior Superintendent of Police vide communication dated 5.7.1994 addressed to the Deputy Commissioner, Amritsar had suggested that the financial help should be given to the legal heirs of deceased Waryam Singh and further that even the Additional Deputy Commissioner, Amritsar in his report dated 8.12.1999 addressed to the Deputy Commissioner, Amritsar had opined that the cause of death of Waryam Singh by the CRPF cannot be ruled out. Further, amendment was sought by inserting para 5A in the plaint seeking exemption from service of notice under Section 80 of the Code of Civil Procedure.

Learned counsel for the petitioner submits that the amendment

sought by the plaintiff/petitioner has material bearing on the issue involved in the present case wherein the unfortunate widow of deceased Waryam Singh is fighting for grant of benefits. She is entitled to compensation on account of death of her husband at the hands of CRPF. The pleadings which are sought to be relied upon by way of amendment are in the form of official records which came to the knowledge of the plaintiff/petitioner after filing of the suit. The existence of those documents were not denied by the respondents while filing reply to the application for amendment. Further, as regards, additional para 5A in the plaint, it is submitted that due to inadvertence, same could not be mentioned.

After hearing the learned counsel for the parties, I find merit in the submission made by the learned counsel for the petitioner.

By way of amendment what is sought to be pleaded is that the claim made by the plaintiff/petitioner was already recommended and forwarded by the authorities at the relevant time and as the plaintiff/petitioner was not in the knowledge of these communications, she could not plead the same at the relevant time. The application was dismissed by the learned trial Court merely on the ground that the same will prejudice the case of the defendants/respondents and that the disposal of the suit will be delayed.

In my opinion, both the reasons given are not in confirmity with law. The Courts are quite liberal in granting amendment in pleadings so as to see that the lis between the parties is decided.

In the present case, the amendment sought to be made by the plaintiff/petitioner is merely to the effect that the respondents themselves had admitted that she was entitled to compensation on account of death of her husband which is very much material for the purpose of disposal of the suit. The State should not and could not be permitted to plead that the same would cause prejudice to them when by way of an amendment only their inter-dependent communications regarding the same issues are sought, to be pleaded . Now, after the enforcement of the The Right to Information Act, 2005, any person is entitled to get information from the Office . Mere delay in the disposal of the suit also cannot be said to be justifiable reason to deny the amendment which goes to the route of the

case.

For the reasons mentioned above, the present petition is allowed. Plaintiff/petitioner is permitted to make amendment as sought by her in the application filed. The amended plaint filed by her be taken on record and the suit may proceed further accordingly.

(Rajesh Bindal)
Judge

December 19, 2007
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